IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.833 OF 2004

Dr. Smt.Shobha S. Shah ... Appellant

V/s.

Shri Ashok Sahebrao Patil & Ors. ... Respondents

Mr.V.B. Naik with I.M. Khairdi for Appellant
Mr.G.S. Godbole for Respondent No.1

a/w
APPEAL FROM ORDER NO.1011 OF 2004
IN
SPECIAL CIVIL SUIT NO.153 OF 2004

Shri Ashok Sahebrao Patil & Ors. ... Appellants

V/s.

Dr.Smt.Shobha Shirish Shah & Ors. ... Respondents

Mr.G.S. Godbole for Appellants
Mr.V.B. Naik with Mr.I.M. Khairdi for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 15, 2004**

P.C.:

. Both these appeals challenge the order of the trial Court dated 9.8.2004 wherein the defendants have been directed to furnish a security of Rs.6 lacs on or before 30.8.2004. The property of Defendant Nos.1 to 3 in City Survey No.8391/16 situate at the Railway Station, Solapur is also attached. The appellant in Appeal from Order No.833 of 2004, who is the plaintiff,

submits that the property bearing C.T.S. No.8391/16, Railway Lines, Solapur could not have been attached since this property is already under attachment in various litigations. According to her, the property which ought to have been attached was City Survey No.8285/2A admeasuring 2540.91 sq.mtrs. According to the defendants, who filed Appeal from Order No.1011 of 2004, the trial Court has erred in directing the defendants to furnish security as well as attachment of the property. A statement is also made that the defendants have already furnished security of Rs.6 lacs which has been accepted by the trial Court.

2. Mr.Godbole, appearing for Appellants in Appeal from Order No.1011 of 2004, states that the defendants have already furnished security in the trial Court. According to him, it has not been accepted because of the plaintiff’s insistance that these appeals pending before this Court should be disposed of prior to the security being accepted. Mr.Naik for the plaintiff submits that the security furnished by the defendants cannot be accepted as it is given by "professional sureties". The trial Court will decide whether to accept the security furnished by the defendants after considering the objections raised by the plaintiffs. In the event the trial Court does not accept the security that is already furnished, the defendants may furnish

some other security for the like amount to the satisfaction of the trial Court within two weeks thereafter. In the event the security is not so furnished, the property bearing CTS No.8285/2A will stand attached.

3. Both the appeals are disposed of accordingly.

4. The parties to maintain status quo as of today till such time as the security is furnished.

5. In view of the Appeals being disposed of, nothing remains in Civil Application Nos.1199 of 2004 and 1486 of 2004 and the same are disposed of accordingly.